

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WALTER R. KERR,

Plaintiff,

vs.

SHERIFF STEVE KEANE,
CAPTAIN AL THOMPSON, and
CAPTAIN KATHY DANIEL,

Defendants.

NO. CV-11-5039-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT WITHOUT
PREJUDICE

Magistrate Judge Imbrogno filed a Report and Recommendation on May 25, 2011, recommending Mr. Kerr's complaint be dismissed without prejudice pursuant to his Motion to voluntarily dismiss. A copy sent to Mr. Kerr at the Benton County Jail was returned with the notation "NIC." The court has attempted but has been unable to locate a present address for Mr. Kerr. He has filed nothing further in this action.

There being no objections, the court **ADOPTS** the Report and Recommendation (ECF No. 12). Accordingly, **IT IS ORDERED** Plaintiff's Motion (ECF No. 11) is **GRANTED** and the Complaint is **DISMISSED WITHOUT PREJUDICE**. Although granted the opportunity to do so, Plaintiff did not file a separate Motion and Affidavit to waive the remaining balance of the filing fee as directed. Therefore, Plaintiff still is obliged to pay the full filing fee for this action pursuant to 28 U.S.C. § 1915(b).

IT IS SO ORDERED. The District Court Executive is directed to enter this

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
COMPLAINT WITHOUT PREJUDICE-- 1

1 Order, enter judgment of dismissal without prejudice, forward a copy to Plaintiff, and
2 close the file.

3 **DATED** this 22nd day of June 2011.

4
5
6 s/ Rosanna Malouf Peterson

7 ROSANNA MALOUF PETERSON
8 CHIEF UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28